

May 15, 2013

**VIA HAND DELIVERY AND EMAIL**

Ms. Susan L. Kimmel  
Deputy Chief, Disability Rights Office  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
445 Twelfth Street S.W.  
Washington, D.C. 20554

**RECEIVED - FCC**

**MAY 15 2013**

Federal Communications Commission  
Bureau / Office

Re: WNEP-TV, Scranton, PA  
Facility Identification Number 73318  
FCC File Number 12-C00422480 (SK) (McTiernan) (Comcast Cable)  
Response to Notice of Informal Complaint

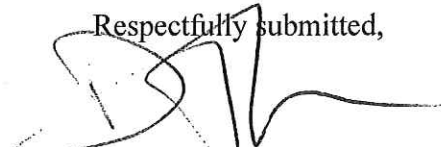
Dear Ms. Kimmel:

On behalf of Local TV Pennsylvania License, LLC ("Local TV"), the licensee of WNEP-TV (the "Station"), we hereby submit Local TV's response to an April 15, 2013 letter from the Commission's Consumer & Governmental Affairs Bureau (the "Letter"). The Letter forwarded a complaint from Mr. Kevin McTiernan, who complained that the Station is not passing through video descriptions in its broadcast signal. Mr. McTiernan also stated that he contacted the Station and that the Station told him that the Station would not begin to include video descriptions in its broadcast signal.

Given the importance with which Local TV takes its responsibilities to serve its local communities, Local TV immediately commenced a thorough investigation upon receipt of the Letter. Local TV is pleased to be able to respond to the Commission and to send a copy of its response directly to Mr. McTiernan today.

If you have any questions about the attached response, please contact the undersigned counsel.

Respectfully submitted,



Derek Teslik

Enclosure

cc: Ms. Sherita Kennedy (via e-mail)  
Ms. Kevin McTiernan (via e-mail)

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Re: WNEP-TV, Scranton, PA  
Facility Identification Number 73318  
FCC File Number 12-C00422480 (SK) (McTiernan) (Comcast Cable)  
Response to Notice of Informal Complaint

Dear Ms. Kimmel:

Local TV Pennsylvania License, LLC ("Local TV"), the licensee of WNEP-TV, Scranton, Pennsylvania (the "Station"), recently received from the Federal Communications Commission's Consumer & Governmental Affairs Bureau a letter dated April 15, 2013, attaching a complaint to the Commission from Mr. Kevin McTiernan regarding a lack of video descriptions in the broadcast signal of the Station.<sup>1</sup> The complainant also stated that he contacted the Station regarding his concern that the Station responded by saying it would not begin to pass through video descriptions in its broadcast signal.

Local TV takes seriously all comments and concerns and attempts to resolve any video description issues promptly. As explained in more detail below, we believe that WNEP-TV has met its obligations regarding the provision of video descriptions. In this instance, the Commission's rules do not require WNEP-TV to provide video descriptions; instead, the Commission's rules require stations outside the Top 25 markets, like WNEP-TV, to pass through any video descriptions it receives from the network if the Station is technically capable of doing so.<sup>2</sup>

Prior to and until October 3, 2012, the Station was technically incapable of passing through video descriptions. However, the Station takes its service to all members of its local communities seriously, especially those members of the communities that may need certain services to best enjoy

<sup>1</sup> *Notice of Informal Complaint*, from Susan L. Kimmel, Deputy Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to WNEP-TV, File No. 12-C00422480 (SK) (McTiernan) (Comcast Cable) (April 15, 2013).

<sup>2</sup> Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, *Report and Order*, 26 FCC Rcd 11847, ¶¶ 20-21 (2011); 47 C.F.R. § 79.3(b)(3). Nielsen has assigned WNEP-TV to the Wilkes Barre-Scranton-Hazleton, Pennsylvania Designated Market Area, ranked number 54. The Nielsen Co., *Local Television Market Universe Estimates*, available at [http://www.tvb.org/media/file/TVB\\_Market\\_Profiles\\_Nielsen\\_Household\\_DMA\\_Ranks2.pdf](http://www.tvb.org/media/file/TVB_Market_Profiles_Nielsen_Household_DMA_Ranks2.pdf).

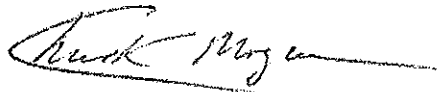
Susan L. Kimmel  
May 15, 2013  
Page 2 of 3

the Station's broadcast signal. As such, the Station determined that it was necessary to take on the financial and technical difficulties of acquiring and installing the components necessary to allow the Station to pass through video descriptions.<sup>3</sup> Since that time, the Station has consistently passed, and continues to pass through all video descriptions that the network, ABC, provides in its programming. Furthermore, during the investigation into Mr. McTiernan's complaint, the Station contacted Mr. McTiernan's cable television service provider, Comcast. Comcast informed the Station that it passes through all video descriptions received from the Station and that Comcast has worked directly with Mr. McTiernan in order to inform him of the appropriate means of accessing the video descriptions while using Comcast's service on his television. Comcast has advised the Station that the situation is now resolved.

Local TV is aware of its video description obligations and takes those obligations seriously. The Station works closely with any individual who submits a concern to the station regarding video descriptions. The Station provides several means (e.g., telephone, email and facsimile) by which one can inform the station of video description problems. A viewer can report any video description problems by emailing the station's Closed Captioning Info email hotline at <http://wnep.com/contact/closed-captioning-info/>. In addition, one can contact the Station about video description concerns by telephone or facsimile. A station representative receives and responds to any and all comments or complaints within 24 hours or one business day. Indeed, Mr. McTiernan utilized one such method to contact Station personnel regarding his concern. In an e-mail dated August 30, 2012 to the Station, Mr. McTiernan asked whether the Station utilizes the descriptive video service. In its response to Mr. McTiernan later that same day, Station personnel informed Mr. McTiernan that the Station was in the process of setting up the service and that the Station anticipated having the service available soon. As discussed above, the Station implemented video descriptions on October 3, 2012, slightly more than one month after receiving Mr. McTiernan's inquiry.

Local TV has, and will continue to, provide video descriptions that fulfill its obligations under the Commission's rules. WNEP-TV takes great pride in serving the Scranton area and continually reassesses its service to the community. If you should have any further questions or concerns, please do not hesitate to contact us or our counsel.

Respectfully submitted,



Chuck Morgan  
Vice-President and General Manager

Enclosure

cc: Ms. Sherita Kennedy (via e-mail)  
Mr. Kevin McTiernan (via e-mail)

---

<sup>3</sup> See Exhibit A for invoices of equipment purchased totaling \$19,328.22.

## Exhibit A

Volicon, Inc.

111 S. Bedford St.  
Burlington, MA 01803  
Phone # 781-221-7400  
Fax # 781-221-7407

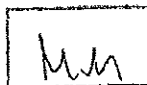
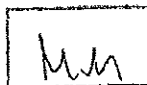
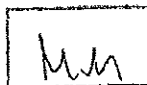
# Proforma Invoice

82326  
7-25-12

Date	Invoice #
7/3/2012	6901-A

Bill To
WNEP-TV Attn: Accounts Payable 16 Montage Mountain Road Moosic, PA 18507

Ship To
WNEP-TV Attn: Mike Morkavage 16 Montage Mountain Road Moosic, PA 18507

P.O. No.	Terms	Due Date	Rep	Ship Date	Ship Via	FOB												
WNEP0907...	50/50	7/3/2012	EH	7/25/2012	Client Account	ORIGIN												
Ordered	Item	Description			Unit Price	Amount												
1	TS-ENT-CUST-...	Observer Enterprise Transport Stream System			21,995.00	21,995.00												
3	MOD-LM	Loudness compliance and logging module			0.00	0.00												
3	MOD-CV	Upgrade: Content Verification Module			0.00	0.00												
3	MOD-QE	Option: Quality of Experience Module (per channel)			0.00	0.00												
1	MOD-CE	Upgrade: Content Export Module Software			0.00	0.00												
	Discount	25% Tribune & Local TV Discount			-5,498.75	-5,498.75												
		Subtotal				16,496.25												
	50 % Deposit	Required upon receipt of Proforma Invoice			-50.00%	-8,248.13												
		**Please send 50% deposit amount of \$8,248.13 upon receipt**																
		FINAL 50% IS DUE UPON SHIPPING - Your estimated ship date is July 25th																
<table><tr><td colspan="2">WNEP-TV AUTHORIZING APPROVAL</td><td colspan="2"></td></tr><tr><td>ACCOUNT #</td><td></td><td>AMOUNT</td><td></td></tr><tr><td>7</td><td></td><td>\$</td><td></td></tr></table> <p>2190.00 (CAP)</p>							WNEP-TV AUTHORIZING APPROVAL				ACCOUNT #		AMOUNT		7		\$	
WNEP-TV AUTHORIZING APPROVAL																		
ACCOUNT #		AMOUNT																
7		\$																

## INTERNATIONAL WIRING INSTRUCTIONS:

Bank Name: Bank of America  
Bank Address: 11 Center Street, Burlington MA 01803 USA  
Beneficiary: Account: Volicon  
Account # : 9420050806  
ABA Routing#: 026009593  
Swift: BOFAUS3N

Amount Due After Deposit

\$8,248.12



111 South Bedford Street  
Suite 201  
Burlington, MA 01803  
Phone# 781-221-7400  
Contact: Kelly Birkmaier

82791  
8-1-12

## Invoice

Date	Invoice #
7/20/2012	6901

Bill To
WNEP-TV Attn: Accounts Payable 16 Montage Mountain Road Moosic, PA 18507

Ship To
WNEP-TV Attn: Mike Morkavage 16 Montage Mountain Road Moosic, PA 18507

P.O. No.	Terms	Due Date	Rep	Ship Date	Ship Via	FOB
WPEN09070212	50/50	7/27/2012	EH	7/20/2012	Client Account	ORIGIN

Qty	Item	Description	Unit Price	Amount
1	TS-ENT-CUST-...	Observer Enterprise Transport Stream System	21,995.00	21,995.00
3	MOD-LM	Loudness compliance and logging module	0.00	0.00
3	MOD-CV	Upgrade: Content Verification Module	0.00	0.00
3	MOD-QE	Option: Quality of Experience Module (per channel)	0.00	0.00
1	MOD-CE	Upgrade: Content Export Module	0.00	0.00
	Discount	Discount	-5,498.75	-5,498.75
1	SPRT-Install	Volicon Installation Support	0.00	0.00
1	Shipping Obs C...	Shipping to Customers for Observer	175.00	175.00
50% deposit received 7/30/2012 Please remit final balance of \$8,423.13 upon receipt				
2190-00				
MM				
Volicon Project				

INTERNATIONAL WIRING INSTRUCTIONS:  
Bank Name: Bank of America  
Bank Address: 11 Center Street, Burlington MA 01803 USA  
Beneficiary: Account: Volicon  
Account #: 9420050806  
ABA Routing#: 026009593  
Swift: BOFAUS3N

Total (USD) ~~\$16,671.25~~

Balance Due \$8,423.13



# Invoice

Date	Invoice #
6/6/2012	41828

<b>Bill To</b>
WNEP-TV 16 Montage Mountain Road Moosic, PA 18507

<b>Ship To</b>
WNEP-TV Attn: Mike Morkavage PO# WNEP09030712 16 Montage Mountain Road Moosic, PA 18507

P.O. Number	Terms	Due Date
WNEP09030712	Net 45	7/21/2012

Quantity	Item Code	Description	Price Each	Amount							
		TERMS: NET 45 FROM DATE OF INVOICE									
1	FS-1	PO# WNEP09030712									
1	Shipping-(MMG)	Universal SD/HD Audio/Video Frame Sync/Converter	2,799.00	2,799.00T							
		Shipping & Handling	32.97	32.97T							
<table><tr><td colspan="2">WNEP-TV AUTHORIZING APPROVAL</td><td rowspan="2"></td></tr><tr><td>ACCOUNT#</td><td>AMOUNT</td></tr><tr><td>2190-00</td><td>\$</td></tr></table> <p>Capital PO# WNEP 09030712</p>					WNEP-TV AUTHORIZING APPROVAL			ACCOUNT#	AMOUNT	2190-00	\$
WNEP-TV AUTHORIZING APPROVAL											
ACCOUNT#	AMOUNT										
2190-00	\$										

Thank you for your business. All Invoices are due as stated. Any balance UNPAID Net 30 will be assessed 1.5% per month late fee on entire balance due.

**Subtotal** \$2,831.97

**Sales Tax (0.0%)** \$0.00

**Total** \$2,831.97

**Payments/Credits** \$0.00

**Balance Due** \$2,831.97

Please direct any and all inquiries regarding your invoice to our office in Milwaukee, WI.  
Phone Number: 414-226-2226.

Please remit payment to:

Midwest Media Group, Inc.  
316 North Milwaukee Street  
Suite 567  
Milwaukee, WI 53202.